IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 23584 of 2002

Between:

B.Mastanaiah S/o Subbaramaiah
Nagulavellatur Village, Chejerla Mandal,
Nellore Dist.

..... PETITIONER

AND

1 The Joint Collector, Nellore.
2 RDO., Nellore.
3 MRO., Chejerla Mandal, Nellore.

…RESPONDENTS.

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 23584 OF 2002

ORDER:

This Writ Petition is filed questioning the order of the first respondent dated 8-11-2002 passed in D.Dis.No.(E)695/2002.

The petitioner is the authorized Fair Price Shop dealer, for the distribution of essential commodities in Nagulavellatur Village, Chejerla Mandal of Nellore District. On certain

charges, proceedings were initiated against the petitioner for cancellation of his authorization. However, the primary authority, i.e. the Revenue Divisional Officer has passed orders dropping the proceedings and imposed penalty of Rs.500/-. Subsequently, the Joint Collector, has taken up suo motu proceedings and reviewed the order passed by the Revenue Divisional Officer and ordered for cancellation of authorization of the petitioner, by order dated 8-11-2002. This Writ Petition is filed questioning the validity of the said order on several grounds, including on the ground that there is no such power conferred on the Joint Collector under the provisions of the A.P. Public Distribution Control Order 2001.

However, in the counter affidavit filed on behalf of the respondents, it is stated, that against the order dated 8-11-2002 passed in proceedings No. D.Dis. (E).695/2002, the petitioner has also filed revision petition before the District Collector and when the revision petition is pending consideration, he has filed the present Writ Petition and obtained interim orders.

At the stage of admission, this Court by order dated 25-11-2002, suspended the order of the Joint Collector, dated 8-11-2002, and the said order is continued all along.

Inasmuch as the revision petition filed by the petitioner is pending consideration before the District Collector, and, the interim order passed by this Court, dated 25-11-2002, is continued all along, I dispose of the Writ Petition directing the revisional authority-District Collector to dispose of the revision petition filed by the petitioner, within a period of six weeks from the date of receipt of this order. Pending disposal of the revision petition, the impugned order dated 8-11-2002 remains suspended.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 09-12-2005.

Msnr.